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# THE HISTORIC POLICY OF THE UNITED STATES AS TO ANNEXATION.

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## THE HISTORIC POLICY OF THE UNITED STATES AS TO ANNEXATION.—BY PROF. SIMEON E. BALDWIN, LL. D., OF YALE UNIVERSITY.

The United States, according to President Lincoln, was "formed in fact by the Articles of Association in 1774." But the self-styled "Continental Congress," which framed those articles, represented and claimed to represent but a small portion of the American Continent. The eleven colonies whose delegates met at Carpenters' Hall October 20, 1774, and those of the three counties of Delaware who sat with them on equal terms, though really a part of the proprietary government of Pennsylvania, were in actual possession of but a narrow strip of territory on the Atlantic seaboard, running back no further than the line of the Alleghanies. To the southward lay Georgia, East Florida, West Florida, and Louisiana; to the northward Nova Scotia and Canada; and on their western frontiers Parliament had recently put the boundary of the new Province of Quebec.

It was the hope of Congress that their ranks might be swelled by the accession of all the British colonies or provinces on our continent. On October 26 a stirring appeal to unite in the Articles of Association, adopted two days before, was addressed to the inhabitants of Quebec. "We defy you," wrote Congress, "casting your view upon every side, to discover a single circumstance promising from any quarter the faintest hope of liberty to you or your posterity but from an entire adoption into the Union of these colonies." \* \* \* "What," it was urged, "would your great countryman, Montesquieu, say to you, were he living to-day? Would not this be the purport of his address? Seize the opportunity presented to you by Providence itself. You have been conquered into liberty, if you act as you ought. This work is not of man. You are a small people compared to those who, with open arms, invite you into a fellowship. A moment's reflection should convince you which will be most for your interest and happiness—to have all the rest of North America your unalterable friends or your inveterate enemies. The injuries of Boston have roused and associated every colony from Nova Scotia to Georgia. Your province is the only link wanting to complete the bright and strong chain of union. Nature has joined your country to theirs. Do you join your political interests." \* \* \* "We are too well acquainted with the liberality of sentiment distinguishing your nation to imagine that difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature

of freedom elevates those who unite in her cause above all such low-minded infirmities.”\*

The address concluded with the recommendation that they should choose a provincial congress, which might send delegates to the next Continental Congress to be held at Philadelphia in May, 1775, and formally accede to the existing confederation, so that, in resisting future aggressions, they might rely no longer on the small influence of a single province, “but on the consolidated powers of North America.”

The *Annual Register* for 1775 truly says that, “of all the papers published by the American Congress, their address to the French inhabitants of Canada discovered the most dextrous management and the most able method of application to the temper and passions of the parties whom they endeavored to gain.”†

A correspondence with Canadian patriots was also begun by the Massachusetts committee of safety, and Samuel Adams was particularly earnest in his efforts to gain their support.

In May, 1775, another address to the inhabitants of Canada was adopted by Congress, from the pen of Jay. It declared that “the fate of the Protestant and Catholic colonies was strongly linked together,” and that Congress yet entertained hopes of a union with them in the defense of their common liberty.‡

During the session of this Congress an address from the inhabitants of several parishes in Bermuda was received, and a Canadian once appeared upon the floor. In November the inhabitants of a district in Nova Scotia, which had elected a committee of safety, applied for admission to “the Association of the United Colonies.”§

The proceedings of this Congress have come down to us in a very unsatisfactory state, owing to the fact that it was not deemed safe to print in the official journals all that was done. After forty years a large part of what was originally suppressed was published by the Government under the style of the *Secret Journals of Congress*, but no attempt was made to combine the two records or to supply an index to the whole.

In July, 1775, Dr. Franklin brought forward a plan, which had apparently been drawn up for submission in May, for “Articles of confederation and perpetual union” between “the United Colonies of North America.” They provided for the accession of all the other British colonies on the continent—that is, Quebec, St. Johns, Nova Scotia, East and West Florida, and the Bermuda Islands.¶ Notwithstanding the care taken to suppress this proceeding, a copy of the paper got across the ocean and was printed in full in the *Annual Register* for 1775.¶

In the latter part of this year Congress dispatched agents to Canada and others to Nova Scotia to inquire particularly into the disposition of their inhabitants respecting a union of interests with the more southern colonies. The assembly of Jamaica had sent in a memorial to the King in council which, while disclaiming any thought of forcible resistance, set up the claims of their inhabitants to self-government in language nearly as strong as that used by the Continental Congress.\*\* The latter body responded in an address to the assembly of Jamaica thanking

\* 1, *Journals of Congress*, 61.

† *History of Europe*, 32.

‡ 1, *Journals of Congress*, 109.

§ 1, *Journals of Congress*, 230, 244.

¶ 1, *Secret Journals of Congress*, 283.

¶ *State Papers*, 252.

\*\* *Annual Register* for 1775; 1<sup>st</sup> t. of *Europe*, 101.

them for their sympathy, and saying that while "the peculiar situation of your island forbids your assistance," they were glad, at least, to have their good wishes.

Soon afterward three commissioners were appointed to repair to the northern frontier and endeavor "to induce the Canadians to accede to a union with these colonies," and to send delegates to Congress.\* The commissioners were authorized to pledge them "the free enjoyment of their religion,"† and to raise, if possible, a Canadian regiment for the Continental Army.

A few men did enlist, and such accessions were received from time to time that at last a Canadian regiment was organized and officered and a second one projected.‡

Early in 1776 another set of commissioners, headed by Franklin, were dispatched directly to Canada on a similar errand, bearing addresses from Congress which were printed in French and English and circulated extensively among the people.§ The instructions of the commissioners were to assure the Canadians that their interests and ours were inseparably united, and to urge them to join us as a "sister colony."

No impression seemed to be made by the addresses, and it was soon discovered that quite an adequate reason existed in the fact that not one out of five hundred of the population could read. Dr. Franklin, on his return, said that if it were ever thought best to send another mission, it should be one composed of schoolmasters. With a few of the leaders there Franklin had better success, and during a fortnight something like a provisional government was set up under his auspices, which, however, melted into thin air on the approach of British troops.||

In June, 1776, Congress sent two ships to the Bermudas with provisions, to relieve the distress caused by our nonimportation association, and with directions to inquire into the disposition of the inhabitants respecting a union of interests with ours.¶

It is probable that the report was not encouraging, for when in July, 1776, Franklin's scheme for confederation was reported on by the committee which had had it under consideration for a year, the provision for bringing in the other English colonies was struck out, except so far as related to Canada. She was to have the right to admission on request, but no other colony was to be admitted without the consent of nine States.\*\*

Provision was made by Congress as soon as these articles were agreed on and sent out to the States for ratification (November 29, 1777) for having them translated into French and circulated among the Canadians, with an invitation "to accede to the union of these States."††

Our invasions of their territory, however, and their ill success, had left little of the spirit of united resistance to British authority. Had the Declaration of Independence been made as early as the more fiery patriots would have had it, it is not impossible that Canada and Nova Scotia would have been swept into the current. Samuel Adams wrote in July, 1776, to a friend, that had it come in 1775, Canada, in his

\* Washington strongly urged this course in his letters from camp. Writings, Sparks' ed., III, 173.

† 1, Journals of Congress, 242.

‡ Writings of Washington, Sparks' ed., IV, 267.

§ 1, Secret Journals of Congress, 42.

|| 1, Journals of Congress, 305.

¶ 1, Secret Journals of Congress, 46.

\*\* 1, Secret Journals of Congress, 290; Annual Register for 1776; State Papers, p. 269.

†† 2 Secret Journals of Congress, 54.

opinion, "would at this time have been one of the United Colonies."\*

In the fall of 1776, Franklin, then about to sail on his European mission, submitted to the secret committee of Congress his scheme for proposals of peace. These were that Great Britain should acknowledge our independence and sell us Quebec, St. Johns, Nova Scotia, Bermuda, East and West Florida, and the Bahamas. In addition to payment of the purchase money, we were to grant free trade to all British subjects and guarantee to Great Britain her West India Islands. In the paper explaining this scheme Franklin states that as to the colonies to be purchased "it is absolutely necessary for us to have them for our own security."<sup>†</sup>

In letters to English friends while in France he expressed similar views, saying that discord would continually arise on the frontiers unless peace were cemented by the cession of Canada, Nova Scotia, and the Floridas.<sup>‡</sup>

John Adams entertained opinions of the same kind. In April, 1782, while in Holland, he was advised by Henry Laurens, one of our foreign commissioners who had been captured by a British man-of-war and put in the Tower on a charge of treason, but was now at large on parole, that many of the opposition in England favored the surrender of Canada and Nova Scotia. Mr. Adams replied that he feared that we could never have real peace with Canada or Nova Scotia in the hands of the English, and that at least we should stipulate in any treaty of peace that they should keep no troops or fortified places on the frontiers of either.<sup>§</sup>

A few days later Dr. Franklin submitted to Mr. Oswald, with whom, as the commissioner of Great Britain, the treaty of peace was afterward negotiated, a paper suggesting the dangers of maintaining a long frontier between countries, the roughest of whose people would always inhabit their borders and outposts, and that Great Britain might well cede Canada to us on condition of a perpetual guaranty of free trade with that province and a provision for indemnity for the losses, both of Canadian loyalists and of Americans whose property had been burned in British invasions, out of the proceeds of sales of the public lands remaining ungranted.||

The influence of France was from the first thrown against the enlargement of the United States by the accession of any more of the British colonies. As most of these had once been hers, she doubtless hoped that they might some day become again part of their mother country. Our treaty with her, of 1778, stipulated that should she capture any of the British West India islands it should be for her own benefit, while if we should occupy the northern colonies or the Bermudas they should "be confederate with or dependent upon the said United States."

The adoption of the present Constitution of the United States, in abrogating by the voice of the majority the Articles of Confederation, was a revolutionary proceeding which threw two States out of the Union. North Carolina and Rhode Island, by refusing to ratify the work of the convention of 1787, put themselves for a time certainly very near the position of foreign States. This consequence of their action was strongly urged in the North Carolina convention. "In my

\* Life of Samuel Adams, II, 434.

† Franklin's Works, I, 143.

‡ Ibid., I, 311.

§ See Washington's letter to Landon Carter of May 30, 1778, to the same effect. Writings, Sparks' ed., V, 389.

|| Franklin's Works, I, 480.

opinion," said Governor Johnston, one of its members, "if we refuse to ratify the Constitution we shall be entirely out of the Union, and can be considered only as a foreign power. It is true the United States may admit us hereafter, but they may admit us on terms unequal and disadvantageous to us." "It is objected," replied the next speaker, "we shall be out of the Union. So I wish to be. We are left at liberty to come in at any time."\* "In my opinion," said James Iredell, afterwards a justice of the Supreme Court of the United States, "when any State has once rejected the Constitution it can not claim to come in afterwards as a matter of right. If it does not in plain terms reject, but refuses to accede for the present, I think the other States may regard this as an absolute rejection and refuse to admit us afterwards, but at their pleasure and on what terms they please."†

When, however, in 1789 and 1790 these States reluctantly sent in their ratifications, no question was made about receiving them on equal terms with those by which the new Government had been originally organized; and they came in on a footing of right.

The United States of 1789 were in many respects a political combination of foreign communities. The Atlantic was almost the sole means of communication between the Northern and Southern States. The Hudson helped to bind eastern New England to New York. The Ohio and the Mississippi might lead from one scattered settlement to another, but of those who lived 20 miles from navigable water it was only the favored or the adventurous few who had ever visited any State except their own.

To such a people there could be nothing startling in the acquisition of foreign territory. It could hardly be more foreign than much that was already within the Union. It could hardly be more distant, for a voyage from Philadelphia to London or Marseilles took less time and money and involved less risk and hardship than a trip to Cincinnati or Natchez.

Gouverneur Morris said at the time of the Louisiana purchase that he had known since the day when the Constitution was adopted that all North America must at length be annexed.‡

At the close of the Revolutionary war both England and America regarded the long frontier on the north of the United States as not unlikely to be soon the scene of renewed hostilities. John Adams, in October, 1785, writes from abroad to the Secretary of State that some of the opposition in Great Britain were saying "that Canada and Nova Scotia must soon be ours; there must be a war for it; they know how it will end, but the sooner the better; this done, we shall be forever at peace; till then, never."§

But we had a boundary still more difficult to the southward. The end of the Seven Years' War in Europe had seen France cede to Spain New Orleans, with so much of her Louisiana territory as lay west of the Mississippi, and the rest to Great Britain. A cession from Spain of her claims on the Floridas had confirmed these as English possessions and made the Mississippi their western boundary; but during our Revolutionary war Spain had recaptured them and her title was confirmed by the peace of 1783.

In 1800 Spain ceded back her Louisiana territories to France, and the century opened with Spain bounding us below Georgia and France hemming us in at the mouth of the Mississippi, and by an undefined,

\* 4, Elliot's Debates, 223, 4.

† Ibid., 231.

‡ Writings, III, 185.

§ Works, VIII, 333.

and perhaps indefinable, stretch of territory running from the Gulf up toward the Canadian line.

The leaders of the Revolutionary period who survived were united in the belief that it was vital to our interests to acquire the French title. Hamilton,\* John Adams,<sup>†</sup> and Gouverneur Morris<sup>‡</sup> were of this mind, not less than Jefferson, Madison, and Livingston.

There was a serious question as to our right to make the purchase, and the Administration represented the party which regarded the Government as one of delegated powers to be strictly construed. The great leader of the other school, Daniel Webster, declared, in 1837, during the heat of the controversy over the admission of Texas, that he did not believe the framers of the Constitution contemplated the annexation of foreign territory, and that, for his part, he believed it to be for the interest of the Union "to remain as it is, without diminution and without addition."<sup>§</sup>

We now have, however, more light as to the real intention of the founders from the published letters of Gouverneur Morris, whose pen put the Constitution in form. No "*decree de crescendo imperio*" was inserted in it," he wrote, at the time of the Louisiana purchase, because no boundaries could be wisely or safely assigned to our future expansion. "I knew as well then as I do now that all North America must at length be annexed to us—happy, indeed, if the lust of possession stop there."<sup>||</sup>

If, on the other hand, it had been intended to keep the Union forever within the limits then existing, we may be sure that an express prohibition would have been inserted. This was Gallatin's view when Jefferson consulted his Cabinet as to the Louisiana negotiation. The adverse position, he wrote the President, must be that "the United States are precluded from and renounce altogether the enlargement of territory—a provision sufficiently important and singular to have deserved to be expressly inserted." Jefferson's reply to this letter shows his own opinion more fully than it is elsewhere given in his correspondence. "There is," he wrote, "no constitutional difficulty as to the acquisition of territory, and whether, when acquired, it may be taken into the Union by the Constitution as it now stands will become a question of expediency."<sup>¶</sup>

It was a time, moreover, for action rather than for deliberation.

Between a question of constitutional construction on the one hand, and on the other a possible French army under a Napoleon ascending the Mississippi to reconquer a New World, the administration was not disposed to hesitate as to the choice. Jefferson made the purchase, and the people approved the act. Never was fifteen millions of American money better spent.

The next opportunity to add to our possessions came in 1819, when we bought the Floridas of Spain, or at least a release of her title and pretensions to them; and the Supreme Court of the United States, being soon afterwards called upon to say what relation we bore to the new acquisition, held, to the surprise of some of the strict constructionists among our public men, that the right of the United States to wage war and to make treaties necessarily implied the right to acquire new territory, whether by conquest or purchase. This decision came from the lips of our greatest Chief Justice, John Marshall, and has been repeatedly reaffirmed by his successors on the bench.\*\*

\* Works, III, 402.

† Life and Works, IX, 631.

‡ Writings, III, 185.

|| Diary and Works, II, 442.

¶ Gallatin's Writings, I, 114.

§ Works, I, 357.

\*\* Mormon Church v. United States, 136 U. S. Rep., I, 42.

Neither the Louisiana nor the Florida purchase had presented the question of the absorption of a foreign sovereignty. North Carolina and Rhode Island had finally acceded to the Union, not in such a character, but as having been members with the other States of a perpetual confederation, for which there had been substituted a new form of government.

In 1836, however, came an application by the Republic of Texas for admission into the Union as a new and equal State.

The dominant population there had always been composed of immigrants from the United States. John Quincy Adams, when President, had endeavored to buy it from Mexico,\* and similar propositions from President Jackson had also been made without success†. In 1836 Texas claimed to have achieved her independence, and sent commissioners to Washington to negotiate a treaty of annexation. Mexico regarded her still as one of her provinces, and the United States delayed recognition of the new government until it should have proved its ability to defend its own existence. This was deemed sufficiently established after a year or two, and we, as well as the leading European powers, maintained diplomatic relations with Texas for several years while the question of annexation was pending.

The opposition to annexation was now led by John Quincy Adams, who introduced into the House of Representatives, in 1838, this resolution:

*Resolved*, That the power of annexing the people of any independent foreign State to this Union is a power not delegated by the Constitution of the United States to their Congress, or to any Department of their Government, but reserved by the people. That any attempt by act of Congress or by treaty would be a usurpation of power, unlawful, and void, and which it would be the right and the duty of the free people of the Union to resist and annul.

If, he said, Texas is annexed, it would be such a violation of our national compact as "not only inevitably to result in a dissolution of the Union, but fully to justify it; and we not only assert that the people of the free States ought not to submit to it, but we say with confidence that they would not submit to it."

On the other hand, many of the Southern leaders announced that if Texas were not annexed, and thus an opportunity offered for the extension of slavery, there would be a dissolution of the Union by the act of the South.

Early in 1844 a treaty of annexation was concluded, but the Senate rejected it by a vote of more than two to one. The admission of Texas was made the main issue in the Presidential election of the year. The Democratic party favored it in their platform, and won a decisive victory. President Tyler, thereupon, in his message to Congress at its December session, recommended that the verdict of the people be ratified by an act of annexation, which should adopt and make into law the terms of agreement already agreed on by the two Governments.

A compromise bill was passed by which the consent of Congress was given to the erection of Texas into a new State of the United States, but the President was authorized, should he deem it better to accomplish the same purpose by a treaty, to proceed in that manner. President Tyler promptly approved the act, and believing that any treaty he might negotiate would fail in the Senate, proceeded under the legislative clause, and on the last day of his term of office hurried off an envoy to Texas to obtain the consent of that Republic, which was soon

\* In 1827. Diary VII, 239.

† Jackson offered \$5,000,000 for it in 1835.

given, and Texas, therefore, came into the Union in 1845, not by treaty, but by virtue of a statute of the United States supported by similar legislation of her own.

It is obvious that this mode of admitting a new State trenched directly on the importance of the States, in so far as they can be regarded as constituents of the Federal Government. Treaty making was confided by the Constitution exclusively to the President and Senate, while the composition of the Senate was made such as not only to secure, upon every question of that nature, an equal voice to each State, but to guaranty a minority of the States against being overborne by anything less than two-thirds of all. The Texas precedent gave the popular branch equal powers as to the admission of a foreign State, and made the votes of a bare majority of the upper House sufficient.

From a very early period Cuba has been regarded by leading Southern statesmen as a desirable acquisition for us. In 1809 Jefferson wrote in regard to this to President Madison that "it will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy; and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it."<sup>\*</sup>

A few years later John Quincy Adams, as Secretary of State, in his instructions to our minister to Spain, wrote that Cuba and Porto Rico were natural appendages to our continent, and Cuba had become "an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our Southern coast and the island of San Domingo; its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity, that in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself. It is obvious, however, that for this event we are not yet prepared. Numerous and formidable objections to the extension of our territorial dominions beyond the sea present themselves to the first contemplation of the subject: obstacles to the system of policy by which alone that result can be compassed and maintained, are to be foreseen and surmounted, both at home and abroad; but there are laws of political as well as of physical gravitation; and if an apple, severed by the tempest from its native tree, can not choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self support, can gravitate only towards the North American Union, which, by the same law of nature, can not cast her off from its bosom."<sup>\*</sup>

The immediate object in view was to prevent Great Britain from acquiring Cuba. Jefferson wrote to President Monroe at about the

<sup>\*</sup> See also John Quincy Adams's Diary, v. 38.

<sup>†</sup> 1. Wharton's Dig. of Int. Law, 361.



same time (1823) that should Great Britain take it he would not be for going to war for it, "because the first war on other accounts will give it to us, or the island will give itself to us when able to do so." "If we could get it peaceably," he said, "it would fill up the measure of our well being."

President Polk tried to buy it from Spain, and a hundred millions is said to have been the sum offered.

In 1852 Great Britain and France proposed to us the formation of a tripartite agreement, by which each power disclaimed forever any intention to obtain possession of the island, and all undertook to discountenance any attempts to acquire it on the part of any other government. President Fillmore declined the overture, but in referring to it in his annual message, said that were Cuba "comparatively destitute of inhabitants or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances, I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members."

President Fillmore had, however, proposed and entered into a somewhat similar convention two years before with Great Britain, with reference to Central America.

By this it was covenanted that neither would ever occupy, colonize, or assume any dominion over any part of Central America. Mr. Buchanan, while our minister to England in 1854, in alluding to this Clayton-Bulwer convention of April 19, 1850, in a communication to the British foreign department, used this language:

Both parties adopted this self-denying ordinance for the purpose of terminating serious misunderstandings then existing between them, which might have endangered their friendly relations. Whether the United States acted wisely or not in relinquishing their right as an independent nation to acquire territory in a region on their own continent which may become necessary for the security of their communication with their important and valuable possessions on the Pacific, is another and a different question. But they have concluded the convention; their faith is pledged, and under such circumstances they never look behind the record.

The treaty of 1848, which closed the Mexican war, had given us on payment of \$15,000,000, New Mexico and California, and in 1853 another cession from Mexico—the "Gadsden purchase"—added southern Arizona at a cost of \$10,000,000 more. These new possessions turned public attention to the necessity of a canal across the Isthmus of Panama, and it was in the negotiations with reference to the status of such a canal that the covenant just mentioned in the Clayton-Bulwer convention was proposed by our Government and accepted by Great Britain. But the prospects of such a canal made the command of the entrance to the Gulf of Mexico doubly important to us, and gave a new color to our diplomacy regarding Cuba. Edward Everett, in one of his communications to the British minister, when Secretary of State, in 1852, said that "territorially and commercially it would in our hands be an extremely valuable possession. Under certain contingencies it might be almost essential to our safety."

The Ostend manifesto of 1854 emphasized these considerations, and intimated quite strongly that if a peaceful cession could not be accomplished, a conquest might be dictated by the law of self-preservation.

President Buchanan devoted three pages of his second annual message, in 1858, to the Cuban question, referring to the fact that former administrations had repeatedly endeavored to purchase the island. The increasing trade of the Mississippi Valley, he said, and the position of

Cuba as commanding the mouth of the river rendered its possession "of vast importance to the United States," and, trusting in the efficacy of ready money, he recommended an appropriation by Congress to enable him to make an advance to Spain, should he be able to negotiate a cession immediately on the signature of the treaty, and before its ratification by the Senate. A bill appropriating \$30,000,000 was thereupon introduced in the House and favorably reported, but no further progress was made. In his messages of 1859 and 1860 the President repeated his recommendations of a purchase, urging that it would secure the immediate abolition of the slave trade: but the forces that were working toward something greater, the abolition of slavery, were such as to render any serious consideration of the Cuban question now impossible.

An act passed under the Buchanan Administration, which is still on the statute books, Revised Statutes, Title LXXII, explicitly affirms the power of the United States to acquire foreign territory by right of discovery, and is also of importance as one of the few laws by which large powers not belonging strictly to the Executive function, have been placed by Congress in the hands of the President.

This statute provides that whenever any of our citizens discovers and takes possession of any guano deposits on any island, rock, or key, which does not belong to any other government, "such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States." All laws as to crimes and offences committed on the high seas are extended over such places. Trade in the guano is to be regulated as is our ordinary coasting trade. The United States shall not be obliged to retain possession of such places after the guano has been removed. The island of Navassa, some 2 miles long, lying between San Domingo and Jamaica, discovered in 1857, is now a part of the United States under this act of 1855. Not long ago there were 150 persons living on it, all engaged in the removal of the guano. One of them killed another and was promptly punished by the courts of the United States.\*

Under President Lincoln's Administration the country had enough to think of in trying to preserve its territory, without endeavoring to enlarge it. He did, however, recommend to Congress, in 1861, the consideration of a colonization scheme, by which the freedmen of the South, and such of our free colored population as should desire it, might be transported to some foreign land, where, in a climate congenial to them, they might build up a new community. To carry out this plan "may," he said, "involve the acquiring of territory and also the appropriation of money beyond that to be expended in the territorial acquisition. Having practiced the acquisition of territory for nearly sixty years, the question of constitutional power to do so is no longer an open one with us. \* \* \* On this whole proposition, including the appropriation of money with the acquisition of territory, does not the expediency amount to absolute necessity—that without which the Government itself can not be perpetuated?"

When, a year later, slavery was abolished in the District of Columbia, \$500,000 was appropriated to aid in colonizing such of the freedmen as might wish to emigrate, in Hayti or Liberia. A few were aided to leave the country in this way, most of whom were taken by the Government to Ile à Vache, off the coast of New Granada, and the rest to Liberia.

Alaska was bought of Russia, by treaty, in 1867, for \$7,200,000. The House of Representatives insisted for a time on the necessity of an act

\* Jones vs. United States, 137 U. S. Rep.

of Congress to legalize the purchase, but the Senate refused to concur in this view, and the point was finally yielded. By this acquisition we came into possession, not only of a part of the continent remote from our own, but of distant islands, some of them over 2,000 miles from the nearest point of seacoast previously within our jurisdiction. The test of contiguity, as determining the right of annexation, was now, therefore, finally and deliberately abandoned. It was abandoned also with almost unanimous acquiescence, since there were but two votes in the Senate against the ratification of the treaty.

Had President Jackson had his way, a similar position would probably have been taken by our Government thirty years before, for, in 1835, he authorized our minister to Mexico to offer her half a million dollars for a cession of the bay of San Francisco and the adjacent shore.\*

In the same year which witnessed the purchase of Alaska, Mr. Seward, as Secretary of State, also negotiated a treaty with Denmark for the cession of the West India Islands of St. Thomas and St. John, on our paying her \$7,500,000 for them. President Johnson, in his annual message for 1867, thus alludes to their proposed annexation:

In our Revolutionary war, ports and harbors in the West India Islands were used by our enemy, to the great injury and embarrassment of the United States. We had the same experience in our second war with Great Britain. The same European policy for a long time excluded us even from trade with the West Indies, while we were at peace with all nations. In our recent civil war the rebels, and their piratical and blockade-breaking allies, found facilities in the same ports for the work, which they too successfully accomplished, of injuring and devastating the commerce which we are now engaged in rebuilding. We labored especially under this disadvantage that European steam vessels, employed by our enemies, found friendly shelter, protection, and supplies in West Indian ports, while our naval operations were necessarily carried on from our own distant shores. There was then a universal feeling of the want of an advanced naval outpost between the Atlantic coast and Europe. The duty of obtaining such an outpost peacefully and lawfully, while neither doing nor menacing injury to other States, earnestly engaged the attention of the Executive Department before the close of the war, and it has not been lost sight of since that time. A not entirely dissimilar naval want revealed itself during the same period on the Pacific coast. The required foothold there was fortunately secured by our late treaty with the Emperor of Russia, and it now seems imperative that the more obvious necessities of the Atlantic coast should not be less carefully provided for. A good and convenient port and harbor, capable of easy defence, will supply that want. With the possession of such a station by the United States, neither we nor any other American nation need longer apprehend injury or offense from any transatlantic enemy. I agree with our early statesmen that the West Indies naturally gravitate to, and may be expected ultimately to be absorbed by, the Continental States, including our own. I agree with them also that it is wise to leave the question of such absorption to this process of natural political gravitation. The islands of St. Thomas and St. John, which constitute a part of the group called the Virgin Islands, seemed to offer us advantages immediately desirable, while their acquisition could be secured in harmony with the principles to which I have alluded.

At this time the relations of President Johnson to the Senate were anything but harmonious, and mainly from this cause, I think, the treaty was rejected in 1868, although the inhabitants of both islands had already voted in favor of annexation.

Shortly after Gen. Grant's accession to the Presidency he concluded the negotiations with the Dominican Republic, begun by Secretary Seward at the close of the preceding Administration, of a treaty of annexation of so much of the island of San Domingo as was not included within the limits of Hayti. As in the case of Texas, two independent sovereignties thus contracted for the absorption of one into the other, but unlike Texas, San Domingo was not to enter the Union as one of the States that compose it. The treaty was rejected by a tie vote in

\* 1. Wharton: International Law Digest, 557.

† Seward's Works, v, 29.

the Senate. In his next message to Congress the President earnestly recommended legislative action in the same direction.

"The acquisition of San Domingo," he said, "is desirable because of its geographical position." \* \* \* "At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida." \* \* \* "The acquisition of San Domingo is an adherence to the 'Monroe doctrine;' it is a measure of natural protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from west to east by way of the Isthmus of Darien."

Congress responded to these appeals by sending an able commission, Senator Wade, President Andrew D. White, and Dr. Samuel G. Howe, of Boston, to visit San Domingo. They reported in favor of its annexation, but the project went no farther.

The opposition to Grant in this matter was started by Charles Sumner, then at the head of the Senate Committee on Foreign Relations, who seems to have been governed largely by his interest in the colored race.\* To them, he believed, belonged "the equatorial belt." They had established a Republic in Hayti. If San Domingo were annexed to the United States, Hayti must inevitably decline, and there would be a new argument for those who denied the capacity of the negro for self-government.

Down to the close of the reconstruction period, which followed the civil war, there was, indeed, no time after the Louisiana purchase when the question of the right and policy of annexation, with respect to any foreign territory, was not determined by every public man largely in accordance with his views of its bearing on the future of the Southern blacks. Grant, himself, was looking to San Domingo as the site of future States of our Union, peopled and governed by colonies of our new class of freedmen.

The American people, in the words of Henry Adams, began the century with the "ambition to use the entire continent for their experiments."†

Jefferson was their leader, and of all American statesmen he best understood and represented the popular sentiment of his day. What Lincoln was to the North, Jefferson was to the country. But Jefferson had the larger, though less balanced mind. He was an idealist and an optimist. With equal rights and opportunities to every citizen, and to every State, he feared no extension of territory for a Union resting on community of interest and individual liberty. Jefferson never believed that the prosperity of the South was dependent on the institution of slavery, but, for half a century, among his successors in the conduct of the Government, were many who did. Our policy as to annexation, therefore, soon became a sectional question, and so continued until the Southern negro was given not only freedom, but the right of suffrage.

President Grant's Administration, in 1872, by an agreement between one of our naval officers and the chief of Tatunila, one of the Samoan Islands, obtained the exclusive privilege of establishing a coaling station at the port of Pango Pango, and President Hayes took possession of the privilege ceded, in 1879.

The arts of civilization were introduced into the Sandwich Islands by

\* Memoir and Letters, iv, 448.

† History of the United States, II, 301.

American missionaries in the first quarter of this century, and their trade has always been largely with this country. They lie 300 miles nearer San Francisco than the outermost of the Aleutian Islands, which came to us as a part of the Alaska purchase. In 1843 an English officer, without authority, took possession of Hawaii in behalf of the Queen, but this action was promptly disavowed by his Government. Our Secretary of State, Mr. Legaré, wrote upon this event to our minister to England that these islands bore such peculiar relations to us that we might feel justified in interfering by force to prevent their conquest by any of the great powers of Europe.\* Great Britain and France, however, allayed any ill-feeling on the part of our Government by a convention made during this year by which each covenanted never to take a cession of the islands or assume a protectorate over them.

In 1853 Mr. Marcy, as Secretary of State, in instructions to our minister to France, wrote of them thus: "It seems to be inevitable that they must come under the control of this Government." Two years later he informed our minister to Hawaii that we would receive the transfer of the territorial sovereignty of the islands. In 1868 the subject was again brought up, but Secretary Seward, fresh from his disappointments with reference to the Danish West Indies, wrote our minister that the time was unfavorable for the consideration of annexation propositions by the United States.

By the treaty of reciprocity, in 1875, the two countries were drawn closer together, and the commerce between them was soon doubled.

Early in the present year a treaty of annexation was laid before the Senate, but withdrawn on the accession of the new Administration. In his message accompanying the treaty President Harrison said that the deposition of the Queen had left but two courses open to the United States, the assumption of a protectorate or annexation.

The views of the present Administration may be inferred from President Cleveland's first message, in 1884, in which he said: "I do not favor a policy of acquisition of new and distant territory, or the incorporation of remote interests with our own."

The annexation of Canada, so ardently desired by Franklin and all the statesmen of the Revolution, has never since that period been made a subject of formal diplomatic discussion. Its growth in wealth and population and its federation into a great dominion of many provinces are evidently paving the way to independence. When that time comes annexation will follow.

Her institutions are every year becoming better fitted to coalesce with ours, as her provinces, each with a life and history of its own, participate by their representatives in general legislation at a common capital under an executive who, during his term of office, is more secure in his position than the prime minister of Great Britain and little less subject to the pleasure of the sovereign.

The French Canadians are of a different race and tongue and religion from that of most of the Americans of the Revolutionary era. But if they were not afraid to admit them to citizenship of the United States in the eighteenth century, surely we need not be when the time comes, in the twentieth. The Americans of to-day are a composite race, and universal religious toleration has made us sensible that men's religious beliefs are dangerous to the community only when they are forced to conceal or suppress them. The Roman Church has frankly accepted the right of every people to such form of government as they may choose for themselves, and the million of Catholics in Canada would be no

\* 1. Wharton: International Law Digest, 118.

more, as such, a factor in American politics than the million of Catholics who are to-day inhabitants of New York, or the more than a million who are citizens of New England.

The different provinces of Canada are so situated with respect to each other and the natural boundaries of separation between most of them are such that their trade gravitates southward to the United States in seeking its center of distribution. What it has to sell it can sell best to us. What it needs to buy it finds best here.

The immense area which the Dominion of Canada now includes is beyond the powers of any mere colony or group of colonies to bring under the full influences of civilization. As fast as it approaches that end, so fast it also approaches the necessity of independence of Great Britain.

It is probable that Great Britain would make little objection to the severance from her possessions of so costly and unremunerative a dependence. Before the negotiation of the treaty of Washington our Secretary of State, Mr. Fish, in conversation with Sir Edward Thornton, the British minister, said that our *Alabama* claims were too large to be settled in money and intimated that a cession of Canada might be accepted as a satisfactory adjustment. The reply was that England did not wish to keep Canada, but could not part with it without the consent of its population.\*

The original area of the United States, before the Louisiana purchase, was, perhaps, a million of square miles.† That acquisition and the subsequent cession of the Floridas much more than doubled our territory. Texas then came to us with 300,000 square miles, and Mexico, in 1848 and 1853, ceded a somewhat greater number. In Alaska we received, in 1867, an addition of over half a million, and thus our total area now is a little more than 3,500,000 square miles.

Canada and Newfoundland cover about the same extent of territory, or over 3,524,000 square miles, estimating for part of British Columbia not yet accurately surveyed.

At the time of the Revolution the latest authority on American geography was the *American Gazetteer*, published in London in 1776. It gave the total area of the North American Continent, with a precision not aimed at by modern statisticians, at 3,699,087 square miles. The founders of the United States did not dream that the narrow line of States they had drawn together could in a century come to include a territory of 3,500,000 square miles, and still have beyond them another area of equal magnitude, and much of it of equal fertility and natural resources, into which to expand in the next century. But that expansion, I believe, it is our destiny to accomplish, and by no other means than those of peace and mutual good will. The good faith of the nation was pledged by the Clayton-Bulwer treaty against further extension to the southward, though it is doubtful whether this is still binding upon us;‡ but the North American Continent, with every island on the east and the Hawaiian group upon the west, all bound to it as satellites to their planet, will, if we continue in our historic policy as to annexation, eventually come under the flag of the United States.

It has been argued with great force by an eminent authority on American constitutional law,§ that our plan of government makes no provi-

\* *Memoir and Letters of Charles Sumner*, iv, 409.

† This is the estimate given in *Morse's American Geography*, published in 1792.

‡ See Report of Senate Committee on Foreign Relations of December 22, 1892, on Senate bill No. 1218.

§ Judge Cooly in the *Forum* for June, 1893. Vol. xv, p. 393.

sion for a colonial system. But the relations of an extraterritorial possession to the United States can never be those of a colony to a European power. Such a colony has generally been treated as an appanage held for the benefit of the commercial interests of the mother country. Its trade, conducted by others and for others, has brought little benefit to its own inhabitants, to whom the navigation laws imposed upon them by a distant power have often seemed a kind of spoliation under the name of protection.

But any possessions, separated from the continent, which the United States may acquire, can rely on being governed under some system devised for the interest of all concerned, and administered by their own inhabitants, so far as they may show a capacity for self-government.

Nor yet need we fear that the United States would not, if the occasion demanded, rule with a strong hand, when we recall the almost despotic system of administration which, under the Administration of Jefferson, was forced upon the unwilling inhabitants of the Louisiana and Orleans territories, and maintained until they had learned the real qualities and conditions of American citizenship.

Up to the present time the cost of such of our territory as has come to us by purchase has been, in all, as follows:

1803, Louisiana .....	\$15, 000, 000
1819, Florida .....	5, 000, 000
1848, California and New Mexico .....	15, 000, 000
1853, Arizona .....	10, 000, 000
1867, Alaska .....	7, 200, 000
Total .....	52, 200, 000

It has been cheaply bought, even if we add to these sums the expenditures in the Seminole war, which followed the Florida purchase, and of the Mexican war, which had so close a connection with those which came next.

The greatest lawsuit in the world is now on trial at Paris, brought to define our rights as owner of the remotest of these acquisitions, a little island in the Pacific, farther than is Hawaii from San Francisco. It is a pleasant sign of the times that this controversy arises mainly from a humane sentiment towards the brute creation, and is to be decided precisely as any question between good neighbors might be, by a friendly arbitrament.











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